



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,653	01/17/2001	Kiwamu Yoshioka	OKI 269	3433

23995 7590 01/29/2004

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER

KLINGER, SCOTT M

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 01/29/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,653

Applicant(s)

YOSHIOKA, KIWAMU

Examiner

Scott M. Klinger

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claims 1-20 are pending.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. JP 086461/2000, filed on 27 March 2000.

Claim Objections

Applicant is advised that should claim 4 be found allowable, claim 10 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

Applicant is advised that should claim 5 be found allowable, claim 13 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

Applicant is advised that should claim 6 be found allowable, claim 16 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-13, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman-Wolfe et al. ("MACE: a fine grained concurrent editor", hereinafter "Newman-Wolfe"). Newman-Wolfe discloses a distributed program that permits fine grained concurrent editing of text files.

In referring to claim 1, Newman-Wolfe shows,

- A receiving, accumulating, and distribution means for operation content to and from the plurality of computers: Figure 1 on page 247 of Newman-Wolfe shows the structure of the client (EW) / server (EM) architecture

"Each file that is edited is associated with an EM [Editor Manager]. It is the server that controls the edit session. Since the EM is the bottleneck of the topology, we have designed it to carry a minimum process load. The EM is not involved in the actual text edit. It is responsible for the paging mechanism, granting of locks and message multicasting."

- Newman-Wolfe, page 249, paragraph 2

"The EW [Editor Window] is the process that the user invokes to access MACE. It generally runs on the local machine and is replicated at each user location."

- Newman-Wolfe, page 249, paragraph 3

In referring to claim 2, Newman-Wolfe shows,

- Accumulating means assigns order in units of elements comprising content displayed at display devices of the plurality of computers: The assignment of order by said accumulating means is inherent in a system that accumulates and distributes operation content to a plurality of computers

In referring to claims 3 and 7, Newman-Wolfe shows,

- Adding identification information for identifying which clients are to receive the operation:

"If the locks are granted, they are broadcast to all editors that are affected"

- Newman-Wolfe , page 251, paragraph 4

(Identification information is inherently implied in a system that broadcasts only to those clients that are affected)

In referring to claims 4, 8, 9, and 10, Newman-Wolfe shows,

- A means for delaying transmission of operation content to the synchronization server:

"The changes are sent to the EM only when the user saves his edit. Thus, the EM is not flooded with each keystroke from all editors"

- Newman-Wolfe , page 251, paragraph 1

In referring to claims 5, 11, 12, 13, 17, and 19

- Customer operated terminal devices of a financial institution or terminal devices operated by an operator: A system that comprises a plurality of terminals inherently implies said terminals are operated by operators

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 14-16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittsche et al. (U.S. Patent Number 6,567,405, hereinafter "Wittsche") in view of Newman-Wolfe.

Wittsche discloses a computer system and method for providing an on-line mall with a merchant-side help desk (Figure 3, element 306). However, Wittsche is silent as to how said help desk is operated. Nonetheless this feature is well known in the art and its implementation would have been obvious as evidenced by Newman-Wolfe.

In analogous art, Newman-Wolfe discloses a system that allows group collaboration. Newman-Wolfe shows a receiving, accumulating, and distribution means for operation content to and from the plurality of computers.

Art Unit: 2153

- In referring to claims 6 and 16, Newman-Wolfe shows the system of claim 1 (see 102 rejection above).
- In referring to claim 14, Newman-Wolfe shows the system of claim 13 (see 102 rejection above).
- In referring to claim 15, Newman-Wolfe shows the system of claim 7 (see 102 rejection above).
- In referring to claim 18, Newman-Wolfe shows the system of claim 3 (see 102 rejection above).
- In referring to claim 20, Newman-Wolfe shows the system of claim 2 (see 102 rejection above).

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of implementing the system of Wittsche so as to allow collaboration between customers and the merchant side help desk, such in a manner as taught by Newman-Wolfe, in order to allow said collaboration to occur in real time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 9:00am - 5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general

Art Unit: 2153

nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Scott M. Klinger
Examiner
Art Unit 2153

smk



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100